

E-Filed February 08, 2007

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Attorneys for Debtors and Debtors-in-Possession

# UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 LLC,  
 Debtor.

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

### NOTICE OF ENTRY OF ORDER GRANTING DEBTOR'S MOTION TO RETURN INVESTOR FUNDS HELD IN ESCROW (AFFECTS USA COMMERCIAL MORTGAGE COMPANY)

Date: December 19, 2006  
 Time: 9:30 a.m.

1 TO ALL PARTIES IN INTEREST:

2 PLEASE TAKE NOTICE THAT a Order Granting Debtor's Motion To Return Investor  
3 Funds Held In Escrow (Affects USA Commerical Mortgage Company) was entered on February  
4 08, 2007, a copy of which is attached hereto.

5 Dated: this 8th day of February, 2007.

6  
7 /s/ Lenard E. Schwartz, Esq

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Entered on Docket  
January 08, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

Chapter 11

In re:  
USA CAPITAL FIRST TRUST DEED FUND,  
LLC,  
Debtor.

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

In re:  
USA SECURITIES, LLC,  
Debtor.

**ORDER GRANTING DEBTOR'S  
MOTION TO RETURN INVESTOR  
FUNDS HELD IN ESCROW  
(AFFECTS USA COMMERCIAL  
MORTGAGE COMPANY)**

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Date: December 19, 2006  
Time: 9:30 a.m.

1 Before the Court is the motion filed November 20, 2006, by USA Commercial Mortgage  
 2 Company ("USACM") entitled Motion To Return Investor Funds Held In Escrow (the "Motion,"  
 3 Docket No. 1820). No objections to the Motion were filed. At the hearing on the Motion held  
 4 December 19, 2006, appearances of counsel were noted on the record and argument was made in  
 5 support of the Motion.

6 Having reviewed and considered the Motion, the argument made at the December 19, 2006  
 7 hearing, and other facts of record in these jointly administered cases, THE COURT HEREBY  
 8 FINDS that notice of the Motion was adequate and proper and that good cause exists for granting  
 9 the relief requested in the Motion, and THE COURT HEREBY ORDERS AS FOLLOWS:

10 1. The Motion is GRANTED.

11 2. USACM is authorized to return \$200,000.00 to Robert G. Berry Jr. and Jeannette  
 12 K. Berry, and \$50,000.00 to Vivien C. Bonzo and Sonia Rodriguez that is being held by Chicago  
 13 Title Company in an escrow account, and

14 3. The Third Amendment to Deed of Trust, Assignment of Rents, Security Agreement  
 15 and Fixture Filing recorded as Document No. 2006-0424274 in the Official Records of Riverside  
 16 County, California is hereby cancelled in its entirety and void.

17 Prepared and Submitted By:

18 /s/ Lenard E. Schwartzter

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*Attorneys for Debtors and Debtors in Possession*

**P:\USA Commercial Mortgage\Pleadings\Return Investor Funds (Bundy) Motion\ORDER re Motion re Bundy Canyon Escrowed Funds.DOC**

12/28/2006 10:50 FAX

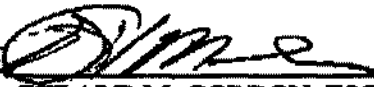
004/009

**ORDER GRANTING DEBTOR'S MOTION TO RETURN INVESTOR FUNDS HELD IN ESCROW (AFFECTS USA COMMERCIAL MORTGAGE COMPANY)**

Approved by:  
**LEWIS AND ROCA, LLP**

Approved by:  
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By: \_\_\_\_\_  
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ACTING UNITED STATES TRUSTEE  
REGION 17**

By: \_\_\_\_\_  
AUGUST B. LANDIS, ASST. U.S. TRUSTEE  
United States Department of Justice

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**REGION 17**

By:   
**AUGUST B. LANDIS, ASST. U.S. TRUSTEE**  
United States Department of Justice

\*\*\*

**CERTIFICATE OF SERVICE**

1. On February 08, 2007, I served the following document(s):

a. Notice of Entry of Order Granting Debtor's Motion To Return Investor Funds Held In Escrow (Affects USA Commerical Mortgage Company)

2. I served the above-named document(s) by the following means to the persons as listed below:

☒ a. **By ECF System:**

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☐ b. **By United States mail, postage fully prepaid:**

☐ c. **By Personal Service**

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed on: February 08, 2007

Christi Vanderlip  
(Name of Declarant)

/s/ Christi Vanderlip  
(Signature of Declarant)